



Josh Hawley did his homework; now it's time to confirm Neomi Rao

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The successor to now-Supreme Court Justice Brett Kavanaugh's D.C. Circuit seat was always doomed for a chaotic confirmation process, but Democrats and Republicans alike put Neomi Rao through a ringer not seen since, well, the confirmation hearings of Justice Brett Kavanaugh.

Presidential hopeful Sen. Cory Booker, D-N.J., came within a hair of putting Rao through a religious test, demanding to know the personal feelings of the OMB administrator on same-sex marriage. Leftists have lambasted Rao, a woman of color, as "hostile" to women of color. Fellow 2020 wannabee Sen. Kamala Harris, D-Calif., obsessed over the minutiae of her teenage newspaper writings at Yale University and refused to accept that Rao, now one of the nation's top legal minds, has accepted the legal consensus of the definition of consent and understands that intoxicated women bear no legal or moral responsibility if they become the victims of sexual assault.

Even Republicans showed warranted caution in their questioning of Rao, who can hold her post for life if confirmed. Sen. Joni Ernst, R-Iowa, who bravely came forward with her own heart-wrenching stories of domestic violence and rape just a month ago, did her due diligence in ensuring that Rao's jurisprudence would support victims of sexual assault, not due to outcome, but because of the very nature of our nation's founding which places the blame of crimes on the perpetrators, not those who may have inadvertently made themselves vulnerable to a crime.

Sen. Josh Hawley, R-Mo., found himself at the center of the Rao rotunda as he delved through old writings of hers to analyze her take on substantive due process. The media mistakenly branded this an attempt to enact judicial activism, when in fact, it was just the opposite. While Hawley himself ardently defends the unborn, Rao's rising star record comes with the unfortunate downside of being rather thin on specific matters of jurisprudence, substantive due process included.

Right-wing judicial activists have eagerly lauded Hawley, fallaciously believing that his assessment of Rao's jurisprudence was teleological and not based on legal principle. Even worse, they've attacked the very idea that Rao could be "a Cato Institute-style libertarian who is pro-abortion, pro-redefining marriage, and pro-open borders who understands that none of those

objectives are in the Constitution." Not only is this not the case in reality, but it wouldn't even matter if it were given Rao's demonstrative jurisprudence.

Just as Booker was downright tyrannical for insinuating that Rao doesn't belong on the bench if she personally opposes same-sex relations, it would be equally egregious for a so-called limited-government conservative to oppose Rao if she happened to personally be pro-choice — which, again, there is zero evidence she is — so long as she might be able to distinguish between that political view on abortion and the idea that *Roe v. Wade* and *Planned Parenthood v. Casey* are constitutional monstrosities that need to be overturned. This is not about results, it's about constitutional principles, as opposed to the Left's results-based judicial activism.